

REMARKS

Applicants respectfully request reconsideration and withdrawal of the rejections set forth in the Office Action. With entry of this amendment, claims 1 and 20 have been amended, claims 2, 7, 11, 21 and 45-46 have been canceled, claims 22-43 have been withdrawn, therefore claims 1, 3-6, 8-10, 12-20 and 44 are pending. The outstanding Office Action Summary does not indicate that claims 22-43 have been withdrawn. The Examiner is respectfully asked to correct the status of the claims in the next communication.

Rejections Under 35 U.S.C. § 112 - Indefiniteness

Claims 1, 2 and 20 are rejected for being indefinite.

Claim 1 has been amended to overcome the rejection for lack of antecedent basis and is now supported by the specification.

Claim 2 has been canceled rendering this rejection moot.

Claim 20 has been amended to clarify the position of the additional disposable bodies, which are in essentially the same position and the first disposable body. Support for this amendment can be found at, *inter alia*, paragraph [0091].

Rejections Under 35 U.S.C. § 112 – Written Description

Claim 1 has been rejected for lack of written description. In response applicants have amended claim 1. Support for claim 1 is found, *inter alia*, in original claims 22 and 35 and paragraph numbers [0049] – [0053], [0069], [0074], [0075], [0079], [0089] and [0093].

Rejections Under 35 U.S.C. § 103 – Obviousness

In response to the rejections of obviousness, applicants submit that the invention is not obvious for the following reasons. To establish a *prima facie* case of obviousness, there must be (1) motivation to combine or modify references, (2) a reasonable expectation of success and (3) a teaching or suggestion of all the elements of the claims. The Examiner must

be able to argue all three to demonstrate a *prima facie* case. Applicants contend that there is no motivation to combine or modify the references to arrive at the present invention and there is no teaching or suggestion of all of the features of the claims.

Applicants submit that the construction of the device of Chu is entirely different from the construction of the device of the present invention. Chu teaches an analytic device which contains liquid impervious support provided on top as well as bottom sides. Thus, essentially, two liquid impervious supports are used in the construction of the analytic device as taught by Chu. On the contrary, only one liquid impervious support is used in the device of the present invention. The top impervious membrane is essentially provided by Chu so as to retain excessive amount of the sample and for a longer time period. As indicated in a previous response, when a dry absorbent article is placed beneath the reaction membrane, the reaction membrane does not stick together. Under such circumstances, there exists an air bubble between the reaction membrane and the absorbent article, which interferes with the fluid flow through the membrane. As can be seen from Figure 3 of Chu, an air pocket is formed between the lower surface of the reaction membrane and the upper surface of the absorbent material. Thus, the teachings of Chu are entirely different from the teachings of the present application and Bhattacharya does not remedy the deficiencies of Chu.

Applicants submit that providing the absorbent material separately, wherein at the time of use, the absorbent material pre-wetted with water is placed between and in contact with the upper reaction membrane and the lower bottom support later, is not suggested or motivated by the present combination of references. Furthermore, applicants have described the non-obvious advantages that are achieved by such an analytical device. In light of the same, it is respectfully submitted that the claims of the present invention should not be considered as being obvious over the combination of Chu and Bhattacharya.

In light of the claim amendments and arguments presented above, applicants submit that the present application is now in condition for allowance, and favorable reconsideration thereof is respectfully requested. If the Examiner believes that an interview would advance prosecution of the application, he is invited to contact the undersigned by telephone.

If there are any unaccounted fees due in connection with the filing of this Amendment, please charge the fees to our Deposit Account No. 19-0741. If a fee is required for an extension of time under 37 C.F.R. § 1.136 that is not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,



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